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HON. PHILIP H. BRANDT
Chapter: 7
Location: Seattle
Hearing Date: Thursday, March 11, 2010
Hearing Time: 10:30 a.m.
Response Date: March 4, 2010

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

In re:

RUPANJALI SNOWDEN,
Debtor.

No.: 09-10318-PHB

**CHECK INTO CASH'S SEPARATE
STATEMENT OF UNCONTROVERTED
FACTS IN SUPPORT OF MOTION FOR
SUMMARY JUDGMENT**

Creditor Check Into Cash of Washington, Inc. contends that the following facts are
uncontroverted and material to its Motion for Summary Judgment:

1. On February 19, 2009, Snowden's checking account had a balance of \$171.25.
Deposition of Rupanjali Snowden ("*Snowden Dep.*") Ex. 19.
2. Check Into Cash presented the check at issue for payment on February 20, 2009.
Declaration of Lauren Hosie ("*Hosie Dec.*") ¶ 7.
3. Snowden made \$238.13 in other payments between February 19, 2009 and
February 23, 2009, detailed as follows:

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Date	Description	Amount	Account Balance
02-19-2009	Beginning Balance		\$ 171.25
02-20-2009	Check No. 2919	\$ 100.00	\$ 71.25
02-20-2009	Gift Shop at OMC	\$ 6.48	\$ 64.77
02-20-2009	Dynasty Chinese	\$20.00	\$ 44.77
02-20-2009	QVC	\$21.93	\$ 22.84
02-23-2009	Subway	\$14.72	\$ 8.12
02-23-2009	Danny's Nails	\$15.00	- \$6.88
02-23-2009	Affinity Solutions	\$60.00	-\$66.88
TOTAL		\$ 238.13	-\$ 66.88

Snowden Dec., Ex. 19.

4. Snowden incurred at least \$112.50 in bank fees as a result of her other spending between February 19, 2009 and February 23, 2009. Snowden Dep., Ex. 19.

5. Check Into Cash offered to refund Snowden's check, reimburse related bank fees, and reimburse three hours of attorney time spent to address the situation. Hosie Dec., Ex. A.

6. Check Into Cash's total offer of \$1,445.00 is more than twice the value of the check Snowden gave to Check Into Cash. Hosie Dec., Ex. A.

7. Snowden rejected Check Into Cash's offer. Hosie Dec., Ex. B.

8. The Court ordered two rounds of supplemental briefing on electronic presentment and state law before it ruled on the stay exception. Minute entry, June 26, 2009 and Docket No. 45.

9. Snowden missed no work as a result of Check Into Cash's presentment. Snowden Dep. 136:17-19.

1 10. Snowden admitted that, as a nurse, her ability to focus can mean life or death for
2 her patients. Snowden Dep. 174:2-4.

3 11. Snowden felt no need to alert anyone at work that she was suffering significant
4 emotional distress. Snowden Dep. 174:5-9.

5 12. Snowden saw no physicians, counselors, or therapists to seek treatment for her
6 alleged emotional distress. Snowden Dep. 175:23-176:3.

7 13. Snowden complains that she could not purchase shoes and a haircut for her
8 daughter while her account was overdrawn in February 2009. Declaration of Rupanjali Snowden
9 (“*Snowden Dec.*”) ¶ 9.

10 14. Snowden admits that she and her lawyers arbitrarily determined the amount of her
11 emotional distress damage claim without any factual basis for the amount claimed. Snowden
12 Dep. 168:3-9; 169:2-5.

13 15. During discovery, Snowden produced an e-mail statement, which she represented
14 as being from Smith and containing Smith’s anticipated testimony. Snowden Dep., Ex. 17.

15 16. In her deposition, Snowden testified that Smith wrote the e-mail at Snowden’s
16 home using Snowden’s computer. Snowden Dep. 151:7-10.

17 17. The e-mail describes Smith’s supposed encounter with Snowden a few days after
18 Check Into Cash’s presentment:

19 I recall the day I was coming out of Bento’s Terriyaki (sic) and saw Rupa coming
20 out of her car in front of Check Into Cash. Rupa did not look well, she looked like
21 she was going to pass out, she was pale and looked really sick....She leaned against
the hood of her car and told me that she was going to ‘throw up.’...When I asked
her if she needs help, Rupa started to cry...

22 Snowden Dep., Ex. 17.

23 18. Snowden testified that she ran into Smith while going into Check Into Cash.
24 Snowden Dep. 133:14-16.

1 19. Snowden testified that Smith observed her distress and asked what was wrong.
2 Snowden Dep. 133:16-17.

3 20. According to the e-mail purportedly from Smith, Smith accompanied Snowden
4 inside the Check Into Cash store:

5 I asked Rupa if I can come with her ... to make sure she was okay. At first Rupa
6 hesitated but then she said it was okay. She was very emotional *when we went into*
7 *the check into cash*. Rupa told the girl behind the counter that she was in the
8 middle of a Bankruptcy and that check into cash was not supposed to sent this
check through. She also told the girl at check into cash that because this check was
cashed her account was seriously into a negative balance.

9 Snowden Dep., Ex. 17 (emphasis added).

10 21. Also according to the e-mail, Smith heard the entire conversation between
11 Snowden and Check Into Cash's clerk. Snowden Dep., Ex. 17.

12 22. Snowden testified that Smith never went inside the store. Snowden Dep. 132:11-
13 12; 134:17-19.

14 23. Smith did not write the e-mail, and she did not authorize anyone to write it on her
15 behalf. Declaration of Christina A. Smith ("*Smith Dec.*") ¶ 3.

16 24. Smith never saw Snowden outside Check Into Cash that day. Smith Dec. ¶ 4.

17 25. Smith never discussed Snowden's dispute with Check Into Cash. Smith Dec. ¶ 4.

18 26. Smith never saw Snowden as upset as described in the e-mail. Smith Dec. ¶ 3.

19 DATED this 16th day of February, 2010.

20 HILLIS CLARK MARTIN & PETERSON, P.S.

21
22 By /s/ Alexander M. Wu
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23 Alexander M. Wu, WSBA #40649
24 Attorneys for Creditor
Check Into Cash of Washington, Inc.
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